

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2904 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

KHEDA JILLA SWATANTRA KAMDAR SANGH

Versus

STATE OF GUJARAT

Appearance:

MR TR MISHRA for Petitioner

MR.VB GARANIA FOR Respondent Nos. 1 and 2.

MR.VYAS for Respondent No.3

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 18/07/96

ORAL JUDGEMENT

The petitioner Kheda Jilla Swatantra Kamdar Sangh through this petition seeks to issue appropriate writ, order or direction declaring and holding that the minimum rates of wages notified by the State of Gujarat in respect of Shops and Commercial Establishment is applicable to the employees working under respondent

No.3. Mr.Mishra has submitted that the decision rendered by the Division Bench reported in 1977 Lab-IC-1647 comes in his way for getting the relief and therefore the prayer has been made that the aforesaid decision be referred to the Larger Bench for settling the law. It has been also submitted that while the decision was rendered by the Division Bench in the aforesaid case the dispute was only with regard to one employee who was working as driver and full facts were not there before the Division Bench. The prayer has also been made for a direction to respondent No.3 to pay minimum rates of wages notified by the Government of Gujarat in respect of Shops and Commercial Establishment. I have heard the learned counsel for the parties at length and I am of the opinion that in view of the law laid down in the aforesaid decision by the Division Bench of this Court the petitioner has no case for issue of any writ, order or direction in his favour as prayed in the petition. I also do not find any case for making a reference to the Larger Bench as has been prayed for. In the facts and circumstances of the case none of the prayers made in the petition can be granted. This Special Civil Application is accordingly dismissed. Rule is hereby discharged. No order as to costs.
